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THE CODE OF HAMMURABI, KING OF BABYLON. About 2250 B.C. Autographed text transliteration, translation, glossary, index of subjects; lists of proper names, signs, numerals, corrections and erasures; with map frontispiece and photograph of text. By Robert Francis Harper, Professor of Semitic Languages in the University of Chicago. Chicago: The University of Chicago Press. London: Luzac & Company. 1904. pp. xv, 192. 102 plates. 8vo.

A little over two years ago there was discovered upon the old Persepolis at Susa, by an expedition sent out by the French Government, a block of black diorite, nearly eight feet high, upon which was engraved a Code of Laws supposed to have been given to King Hammurabi by the Sun-God. When we reflect that this Hammurabi is identified with the Amraphel of the Bible — conquered by Abraham about 2250 B. C. — whose rule extended over the whole of Mesopotamia, from the mouths of the Tigris and the Euphrates to the shores of the Mediterranean, we are forced to agree with Mr. Johns, who has stated that these laws constitute one of the most important monuments in the history of the human race.

As to the accuracy of the translation and transliteration we are forced to take Mr. Harper at his word. If we attempt to compare his work with that of Mr. Johns, or Father Scheil, or Müller, or Kohler-Peiser, we are no better off, for we have no means of deciding as to their differences. This work will have to be performed by the Assyriologists. But it may not be amiss to throw out a caution against relying too seriously upon the perfect accuracy of the translations from the "tongue of the Sun-God," especially when we remember the impossibility that was found to exist in accurately setting into English, a kindred language, the work of the recent German codifiers. It may be permitted, however, to take a general view of this Code.

It has been said by Professor Maitland that while this may be the "Oldest Code of Laws in the World," it is very far from being the most archaic. It may come to us from the third millennium B. C., but we find ourselves doubting whether our English ancestors at the end of the first millennium A.D. were not in many important respects behind the worshippers of the Sun-God. Naturally we find the idea of retaliation very prominent: punishment in criminal and in many civil cases is based upon the principle of "an eye for an eye and a tooth for a tooth."

The doctrine of negligence, however, plays a larger part in the laws of Hammurabi than in many later Codes. "If a shepherd be careless and he bring about an accident in the fold, . . . the shepherd shall make good in cattle and sheep." § 267. But "If a visitation of God happens to a fold, or a lion kill, . . . the owner of the flock shall suffer the damage." § 266. In §§ 251 and 252 we find a general statement of our modern doctrine of *scienter* as applied to owners of animals. We also discover the existence of "deeds," and of certain contracts requiring more formal expression than others. In § 50 it is written that an owner of a field which is given (in security) to a merchant, shall receive the grain and pay to the merchant only the loan and interests. One of the most noteworthy features of this Code is the slight importance given to the formal exculpatory oath, which has played such an important part in other laws. When we find it written that "the witnesses shall give their testimony in the presence of God" and that "the judges shall consider their evidence," we are forced to recognize that the ancient Babylonians had made great advances in jurisprudence.

The title-page sufficiently indicates the contents of this book. Much labor has been expended upon its mechanical production, and the result has been to give to the public in attractive form a work replete with interest, though of slight practical importance.